

# United States Court of Appeals

Eleventh Circuit  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

Thomas K. Kahn  
Clerk

November 1, 2005

## NOTICE TO ALL COUNSEL OR RECORD:

No. 04-13210 - Tanner Advertising Group, L.L.C. v. Fayette County, Georgia

Dear Counsel:

Enclosed is an order entered by the court directing that this case be reheard en banc. Under Eleventh Circuit Rule 35, the effect of granting rehearing en banc is to vacate the previous opinion and judgment of this court and to stay the mandate.

You will be notified by subsequent correspondence of the schedule for filing en banc briefs, the issue(s) which the court wishes the parties to focus on in their briefs, and the page limitations on them. We will communicate with you at a later time regarding report time and time limitations on oral argument should the case be designated for oral argument.

Sincerely,

THOMAS K. KAHN, Clerk

By \_\_\_\_\_  
Matt Davidson  
Calendar Clerk

Edward Adam Webb  
Dennis A. Davenport  
Clerk, U.S. District Court (NGA-Newnan)  
Hon. Jack T. Camp

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

\_\_\_\_\_  
No. 04-13210

(D.C. Docket No. 03-00023-CV)

TANNER ADVERTISING GROUP, L.L.C.,

Plaintiff-Appellant,

versus

FAYETTE COUNTY, GEORGIA,

Defendant-Appellee.

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On Appeal from the United States District Court for the  
Northern District of Georgia  
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(Opinion June 9, 2005, 411 F.3d 1272, 11<sup>th</sup> Cir. 2005)

(November 1, 2005)

Before EDMONDSON, Chief Judge, TJOFLAT, ANDERSON, BIRCH, DUBINA, BLACK, CARNES, BARKETT,  
HULL, MARCUS, WILSON and PRYOR, Circuit Judges\*.

**BY THE COURT:**

A member of this Court in active service having requested a poll on the suggestion of rehearing en banc  
and a majority of the judges in this Court in active service having voted in favor of granting a rehearing en banc,

IT IS ORDERED that the above cause shall be reheard by this court en banc. The previous panel's  
opinion is hereby VACATED.

\_\_\_\_\_  
\*Senior United States Circuit Judge Phyllis A. Kravitch has elected to participate in further proceedings in this matter  
pursuant to 28 U.S.C. § 46(c).